



1.1 PURPOSE:

The purpose of this policy is to provide guidance to the community as to what council support is available should they be experiencing genuine financial hardship. The policy also provides a framework for the assessment of hardship applications.

1.2 SCOPE:

This policy applies to ratepayers experiencing genuine and serious financial hardship and needing assistance to meet both their basic needs and their rate payment obligations to Council. It is not intended to be used to maintain financial positions for those who do not need it and are not genuinely impacted by serious financial hardship.

1.3 KEY PRINCIPLES:

In applying this policy, council will be guided by the following principles:

- Compliance with relevant statutory requirements;
- Flexibility in providing payment options and processes that meet local needs and the special circumstances of those facing hardship;
- Fair, equitable and respectful treatment of all applicants facing financial hardship;
- The suspension of debt recovery and/or legal action while a ratepayers hardship application is awaiting determination, and subsequently if that application is approved; and
- Respecting confidentiality, such that information provided by applicants is treated as private and confidential and can only be used for the purposes of assessing the hardship application and not be made available to third parties (with the exception of referral to council's debt collection agency).

1.4 DEFINITIONS:

The following definitions apply to this policy:

Genuine financial hardship – Occurs when a ratepayer is genuinely unable to pay the rates and charges owed and unable to meet other financial obligations.

Policy – means this policy

Ratepayer – Means a person who is liable to pay rates on a property in Brighton Council.

Rates & charges - Means council rates, charges and levies that appear on a rates notice.

2. POLICY:

2.1 *Genuine Financial Hardship*

Genuine financial hardship does not arise where it is inconvenient to pay the amount of rates owed or it is subject to the timing of income: for example, holiday pay, dividends, lump sum payment. Genuine financial hardship may occur in the following:

- Loss or significant reduction in family income due to job loss or business closure (or both)
- Serious illness resulting in incapacity to work
- Death in the family, or
- Any other factor that results in an unforeseen and substantial change in the capacity of the ratepayer or debtor to meet their financial obligations.

2.2 *Statutory Requirements*

Sections 125-129 of the *Local Government Act 1993* (the Act) set out the circumstances in which a council can consider an application for postponement of payment of rates on the ground of hardship.

Council's Rates and Charges Policy (Policy 1.6) and Debtor Management Policy (Policy 1.12) also apply and must be read in conjunction with the Act and does not take precedence over the Act requirements.

2.3 *Eligibility*

A ratepayer may be eligible for consideration for hardship assistance in the payment of overdue rates and charges where:

- They are unable to pay amounts when due and payable for reasons beyond their control, and
- Payment when due would cause the person genuine financial hardship

Any ratepayer, who cannot pay their rates or charges due to genuine financial hardship may apply to council for assistance at any time. Ratepayers, are encouraged to contact council to seek assistance as soon as practicable.

2.4 *Assistance under this Policy*

This policy provides the framework for the assessment of an application from a ratepayer of a property who cannot pay their rates and charges and payments as a result of experiencing genuine financial hardship.

A ratepayer who believes they are suffering genuine financial hardship can apply to council for either:

- Waiver of interest in respect of the Rates, charges and levies in-part or in-full (i.e. not being required to pay any extra fees that council may have charged for the rates, charges and levies not being paid on time); or
- Deferral of the payment of rates, charges and levies (i.e. paying the rates, charges and levies after they would normally be due).

A ratepayer may apply for one or more of the above types of relief when making an application.

2.5 Evidence of genuine financial hardship

If a person makes an application for relief in accordance with this policy, council may ask the person to provide evidence that they are suffering genuine financial hardship.

Evidence that council may ask for to assist with the assessment may include and is not limited to:

- Written reasons detailing the circumstances in which the person is unable to pay the rates and charges when they fall due and payable
- Documents that show the ratepayer has sought help from a financial counsellor (such as a receipt from a booking with a financial counsellor)
- A statutory declaration from someone who is familiar with the ratepayer's circumstances (family doctor, bank officer, welfare officer, Government agency)
- Bank statements, medical certificates, or other documentary evidence that demonstrates the circumstances that have caused or are symptomatic of the ratepayers genuine financial hardship
- Evidence of loss of main sources of income, and
- Evidence of any qualifications for Federal Government assistance in response to their financial hardship.

If council staff require additional evidence to support an application by a ratepayer, they will explain exactly what they require and why they need it to determine the application.

2.6 Application Process

Councils application form and evidence of financial hardship (*refer Appendix 1*) are to be submitted by the ratepayer in writing to the Chief Executive Officer for assessment.

The provision of supporting evidence with the application will assist the prompt assessment of the application. The application form will be available on Councils website, alternatively the form may be posted or emailed.

Council staff will contact the ratepayer once the application is received and provide advice regarding the assessment process, including if there is any other information required. Council may refer an application to an independent accredited financial counsellor for assessment if it deems this to be necessary.

The application will be valid for a maximum period of 12 months from the date of approval. The ratepayer will be required to reapply prior to the end of each period and establish whether their circumstances have changed or not.

2.7 Delegated Approval

Determination on applications in accordance with this policy will be subject to review and approval by:

- Rates Officers – where alternative payment arrangements result in the full payment of rates by 30 June of the application year.
- Director of Corporate Services – for amounts less than \$2,500.
- Chief Executive Officer – for amounts greater than \$2,500.

2.8 *What happens if an application is approved?*

Each application received in accordance with this policy will be reviewed and determined in accordance with the policy requirements. The ratepayer will be advised in writing of council's decision.

For each approved application, council staff will put in place necessary arrangements. Should there be any error or mis-calculation on a subsequent rates notice, the ratepayer shall be entitled to rely upon the written advice provided in relation to the application.

REFERENCES:

- *Local Government Act 1993*, Part 9 – Rates and Charges¹, particularly:
 - Section 86A – General principles in relation to making or varying rates
 - Sections 125-127 – Postponement of payment
 - Section 128 – Late payments
 - Section 129 – Remission of rates
- Rates and Charges Policy No. 1.6
- Debtor Management Policy No 1.12

ADMINISTRATIVE DETAILS:

Policy compiled: December 2024
Adopted by Council: 21/04/2020; 18/02/2025; 17/02/2026
Reviewed: February 2025; February 2026
To be reviewed: February 2029; January 2030
Responsibility: Director, Corporate Services

¹ See: <https://www.legislation.tas.gov.au/view/html/inforce/current/act-1993-095#HP9@EN>



APPLICATION FOR FINANCIAL HARDSHIP ASSISTANCE

If you have an outstanding debt with Brighton Council, you may be eligible for hardship assistance where payment would cause you genuine financial hardship. Applicants are encouraged to apply for assistance as soon as possible by completing this form.

Please note that individual applications need to be completed for each titled owner for a rates debt, where applicable.

APPLICANT INFORMATION	
Name:	
Phone:	
Email:	
Address of property applying for hardship	
Street Address:	
Suburb:	
State:	
Post Code:	
Is this your principal place of residence?	<input type="checkbox"/> Yes <input type="checkbox"/> No
APPLICATION DETAILS	
Do you receive any pensions or other government benefits?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Have you claimed a pension concession on any other property this financial year?	<input type="checkbox"/> Yes <input type="checkbox"/> No
FINANCIAL INFORMATION	
Average income after tax (weekly):	\$
Government benefits/pensions (including family payments etc):	\$
All other income (eg self employed income, interest dividends):	\$
EMPLOYMENT DETAILS	
Name of your Employer:	
Address of your Employer:	
Employment Type:	<input type="checkbox"/> Full Time <input type="checkbox"/> Part Time <input type="checkbox"/> Casual <input type="checkbox"/> Self Employed
ASSETS	
Property Address:	
Current Value:	\$
Amount owed to bank or financial institution for this property?	\$
Any additional information:	
Funds in banks/financial institutions:	\$
Cars/vehicles value	\$
Other personal assets (shares/superannuation):	\$
Income	
Your Take Home Pay:	\$

Your Partners Take Home Pay:	\$
Income from Savings & Investments:	\$
Centrelink benefits:	\$
Family Benefit Payments:	\$
Other – superannuation income stream:	\$
TOTAL WEEKLY EXPENSES	
Mortgage/Rent:	\$
Council Rates:	\$
Electricity and Gas:	\$
Water:	\$
Internet:	\$
TV subscriptions:	\$
Mobile Phone Bill:	\$
Food & Groceries:	\$
Petrol/Public Transport:	\$
Car Registration/Service:	\$
Child Care Costs:	\$
Entertainment/Eating Out:	\$
Other:	\$
INSURANCE	
Car Insurance:	\$
Home & Contents Insurance:	\$
Health Insurance:	\$
Other Insurance:	\$
Amounts you Owe	
Home Loan(s) – weekly	\$
Other Loan(s) - weekly	\$
Other Liabilities (Name of Bank or Institution)	\$
Does anyone contribute to paying these liabilities? (eg spouse or partner)	<input type="checkbox"/> Yes <input type="checkbox"/> No
PAYMENT PLAN	
Deferral of the full amount (extension of time to pay) OR a mutually agreed payment plan	<input type="checkbox"/> Deferral <input type="checkbox"/> Payment Plan
Proposed Payment Plan frequency:	<input type="checkbox"/> Weekly <input type="checkbox"/> Fortnightly <input type="checkbox"/> Monthly
Additional information you would like to add to this application:	

A copy of the following documentary evidence is required to assess your hardship application. Please include the following:

- A copy of all household bank accounts for the past three months.
- Tax Return Statements and PAYG Summaries from the last two years.
- Centrelink Income Statement no more than 30 days old (if applicable)
- Child Support Agency Statement no more than 6 months old (if applicable)

You may also include one or more of the following to further support your application:

- Statutory Declaration from someone familiar with your circumstance (eg family doctor, accountant, bank officer, government agency).
- Medical Certificates or other evidence demonstrating the circumstances that have resulted in financial hardship being experienced.
- Evidence of loss of the main source(s) of income (eg separation certificate).
- Documented evidence of having sought financial counselling.
- Other documentation demonstrating that you are experiencing financial hardship.

DECLARATION AND SIGNATURE

I confirm that the information provided within this Application for Financial Hardship is accurate, and there have been no misrepresentations or omissions of fact that would otherwise influence the review and decision of Brighton Council.

Signature:

Name:

Date:

This form is to be completed online at www.brighton.tas.gov.au or emailed to admin@brighton.tas.gov.au with all supporting documentation.

Personal Information Protection Statement

The personal information that Council is collecting from you is deemed personal information for the purposes of the *Personal Information Protection Act 2004*. The intended recipients of personal information collected by Brighton Council may be:

- Officers within Brighton Council;
- Data service providers engaged by Council from time to time;
- Any other agent/contractor of Brighton Council;

The supply of the information by you is voluntary. If you cannot provide or do not wish to provide the information sought, Brighton Council may be unable to process your application or request. Council is collecting this personal information from you for the purposes of managing, assessing, advising upon and determining the relevant application, or other Council related matters. Personal information will be managed in accordance with the *Personal Information Protection Act 2004* and you may make application for access or amendment to your information in writing to the Privacy Officer, Brighton Council, 1 Tivoli Road, Old Beach TAS 7017 or Phone 6268 7000.